

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

United States of America

v.

Sentencing Statement

Docket no. 0209 6:22CR06030-001

Roger Roberts,

Defendant

I and the public know
What all schoolchildren learn,
Those to whom evil is done
Do evil in return.

W.H. Auden, "September 1, 1939"

The childhood of Roger J. "R.J." Roberts was unspeakable, involving repeated abuse from different sources. It is something that R.J. himself speaks little of, to his detriment. His sister Nicole Grevell is the one who has most directly provided information about it. R.J. may have begun disclosing in counseling since his arrest, but not much beyond.

R.J. Roberts does not talk much about his childhood. The subject has to be drawn out of him. His biological father, Roger John Herman, was a violent alcoholic. Mr. Herman, while drunk, tried to kill his family by shooting his wife, daughter Nicole, and son R.J. The father only succeeded in committing suicide, shooting himself.

Nicole Grevell's letter to the court states in part:

Our father tried to kill us (my brother and I) and our mother many times. The last day of our father's life my brother was 6 years old and I was 7. Our father . . . took us to a park and then to a bar [where] we waited in the car for him to get loaded with alcohol. He then drove to a department store to buy a

shot gun. Told it was to shoot woodchuck. Then dropped us off to our mom's apartment. My mom had a restraining order against our father. It was later when we were in the pool [we] heard gun shots. It was our father try[ing] to kill my mom, our maternal grandmother and us. We ran and hid. The last shot we heard was our father killing himself in our family car.

Their mother remarried a few months later. But the new stepfather, Ed Roberts, who adopted R.J., was of the same ilk as their father, as Nicole notes:

Ed seem [sic] to target my brother and was very verbally, emotionally and physically abusive to R.J. My brother has terrible nightmares where he awakes up in a state of panic. His dreams are about our stepfather trying to kill him. I think R.J. has PTSD that has gone undiagnosed all these years.

And there was other abuse that Nicole notes:

Our oldest step brother Darryl sexually molested him as well

None of these does R.J. Roberts willingly speak about.

Attachments

Attached are letters from the following:

1. Nicole Grevell, sister;
2. Ralph Quaglia, friend and former employee;
3. Shawn Slack, friend;
4. Reverend Walter Stuber;
5. Martha M. Flower, relative;
6. Jane Shorts, school bus driver;
7. Sharon Roberts, mother;
8. Carl Christensen, LCSW-R; and
9. Roger J. Roberts.

The report of Carl W. Christensen of North Coast Counseling at p. 2 reports R.J. Roberts having been sexually abused at age 7 by the stepbrother. Mr. Christensen, whose work as an LCSW-R focuses on sexual issues, administered various tests on Mr. Roberts, including STABLE 2007 and CPORT, and found that on a scale of 1 to 5, his risk category was 2, low.

Conclusion

It is submitted that a sentence that is sufficient but not greater than necessary to achieve the goals of 18 U.S.C. § 3553(a) should be imposed.

The defendant, Roger J. Roberts, requests that a sentence of 60 months' incarceration and ten years' supervised release be imposed.

Affirmed under penalty of perjury.

WHEREFORE, it is requested that a sentence below that in the plea agreement be imposed.

s/Gary Muldoon
Gary Muldoon
Kaman Berlove Marafioti,
Jacobstein & Goldman LLP
135 Corporate Woods, Suite 300
Rochester, NY 14623
(585) 325-7440 Fax 454-3559

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